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THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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July 9, 2007

**VIA FAX (212) 805-7912**

The Honorable John G. Koeltl  
United States District Judge  
500 Pearl Street  
New York, New York 10007

**APPLICATION GRANTED  
SO ORDERED**

*7/9/07*  
  
John G. Koeltl, U.S.D.J.

Re: Smallwood v. City of New York, et al., 07 Civ. 5711(JGK)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, representing defendant City of New York. I write to respectfully request an enlargement of time from July 9, 2007 until September 7, 2007 for the City of New York to answer or otherwise respond to plaintiff's complaint.<sup>1</sup> Plaintiff's counsel, Rose M. Weber, Esq., has agreed to the enlargement of time.

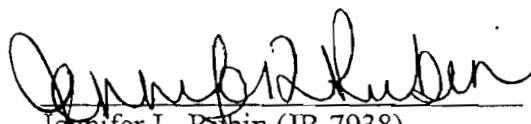
In accordance with this office's obligation under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges that he falsely arrested by members of the New York City Police Department on or about April 6, 2006. Plaintiff also alleges that he was subjected to excessive force. Accordingly, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. To that end, this office is in the process of forwarding to plaintiff for execution a N.Y.C.P.L. §160.50 release so that we can access the sealed records from his underlying arrest.

Accordingly, defendant City of New York respectfully request that their time to respond to the complaint be extended to September 7, 2007.

<sup>1</sup> According to the docket sheet, PO David Wenzel has not been served with process.

Thank you for your consideration of this request.

Respectfully submitted,

  
Jennifer L. Rabin (JR 7938)  
Assistant Corporation Counsel

cc: Ms. Rose M. Weber, Esq. (By Fax)  
(212) 791-4149